

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Commerce and Consumer Services Committee

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BILL: CS/SB 660

INTRODUCER: Commerce and Consumer Services Committee and Senator Lynn

SUBJECT: Agriculture and Consumer Services

DATE: January 25, 2006

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Earlywine	Cooper	CM	Fav/CS
2.	_____	_____	CU	_____
3.	_____	_____	JU	_____
4.	_____	_____	GG	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

This committee substitute revises the continuing education requirements for a Class “D” private security license. This committee substitute defines the term “alternative fuel” for purposes of ch. 525, F.S., relating to the inspection of gasoline and oil. This committee substitute provides that the delivery of certain amounts of propane gas is exempt from requirements for delivering liquefied petroleum gas. This committee substitute deletes requirements that an office or agency receiving a complaint file progress reports with the Division of Consumer Services of the Department of Agriculture and Consumer Services (DACS).

This committee substitute substantially amends sections 493.6106, 493.6121, 493.6303, 525.01, 527.11, 570.46, 570.47, 570.544 and 616.242, of the Florida Statutes.

## II. Present Situation:

### Private Security License

Florida Law provides that an applicant for a private security license must have completed a minimum of 40 hours of professional training at a school or training facility licensed by the department. Currently, an applicant for a private security license is required to have only Part A, or the first 24-hours of the total 40-hours of training for the initial licensure. Therefore, it is possible for a licensee to have never taken Part B, and yet still be licensed.

### Alternative Fuels

The department has authorization to inspect fuel quality and all measuring devices used in selling or distributing petroleum fuel at wholesale and retail. Current Florida law does not specifically

include alternative fuels, such as alcohol blended and biodiesel fuels. According to DACS, there is recent interest and advancements in the use of alternative fuels and their increasing presence throughout the consumer marketplace.

### **Petroleum Storage**

Currently, in Florida, every person who engages in the distribution of liquefied petroleum gas for resale to domestic, commercial, or industrial consumers must install, own, or lease a bulk storage filling plant of not less than 18,000 gallons (water capacity) within the state and shall be located within a 75-mile radius of the licensed company's business location. There is an exemption from minimum storage requirements for companies operating cylinder exchange units, or a single dispenser serving liquid product directly to the public, since these types of facilities provide a product that is not used for essential services by the end user (such as home heating). These products are for grills, recreational vehicles, mosquito control, and other non-essential functions. However, the existing language of the law prohibits these companies from delivering small cylinders to their customers or from conducting the periodic testing required by law to ensure cylinder suitability for continued safe use, without first obtaining either a storage container of 18,000 gallons or acquiring multiple licenses.

### **Consumer Complaints**

Current law requires that when the Division of Consumer Services receives a consumer complaint which falls under the jurisdiction of another state agency, that complaint must be forwarded to that agency. The receiving agency has 30 days to acknowledge the complaint and to report to the department as to the disposition of the complaint. If the complaint is not disposed of within 30 days, the other agency must file additional reports with the department concerning the status of the complaint.

### **Fair Rides**

Current law provides that an owner may not operate an amusement ride unless the owner has in effect at all times of operation an insurance policy or surety bond in the amount of \$1 million per occurrence and \$1 million in the aggregate procured from an insurer or surety that is licensed to transact business in Florida or that is approved as a surplus lines insurer.

## **III. Effect of Proposed Changes:**

**Section 1** amends s. 493.6106, F.S., to correct an obsolete reference. The Division of Licensing (for private investigation, private security, and repossession services) was transferred from the Department of State to the department in 2003.

**Section 2** amends s. 493.6121(5), F.S., to correct an obsolete reference. The Division of Licensing (for private investigation, private security, and repossession services) was transferred from the Department of State to the department in 2003. In addition, subsection (7) is amended to authorize the department, rather than the Attorney General, to initiate judicial proceedings in the enforcement of this chapter.

**Section 3** amends s. 493.6303, F.S., to require Part A training for private security officers to be taken for licensure and requires Part B training to be completed within 180 days after initial licensure. This section also provides that an individual who has already been licensed may not be issued a new license without having taken both Parts A and B of training. Currently, an applicant for a license is required to have only Part A, or the first 24-hours of the total 40-hours of training for the initial licensure.

**Section 4** amends s. 525.01, F.S., to provide a definition for alternative fuel as follows:

- Methanol, denatured ethanol, or other alcohols;
- Mixtures containing 85 percent or more by volume of methanol, denatured ethanol, or other alcohols with gasoline or other fuels, or other such percentage, but not less than 70 percent, as determined by the department by rules, to provide for requirements relating to the cold start, safety, or vehicles functions;
- Hydrogen;
- Coal-derived liquid fuels;
- Fuels, other than alcohol, derived from biological materials; and
- Electricity, including electricity from solar energy.

Amending the definition of petroleum fuels to include alternative fuels would grant the department authority to inspect facilities selling alternative fuels to the general public and allow for the adoption of relevant fuel quality standards into department rule.

**Section 5** amends s. 527.11, F.S., to provide that a licensee who has a single dispensing unit may deliver small cylinders (40 lbs. or less) to residential customers without the current requirement of building or leasing 18,000 gallons worth of storage. These types of cylinders are commonly used for grilling, mosquito control and similar applications.

**Section 6** amends s. 570.46, F.S., to include the LP Gas Inspection statute cite within the powers of the Division of Standards. The Bureau of LP Gas Inspection was transferred to the department's Division of Standards, from the Department of Insurance, in 1993.

**Section 7** amends s. 570.47, F.S., to include the LP Gas Inspection statute cite within the powers of the Division of Standards. The Bureau of LP Gas Inspection was transferred to the department's Division of Standards, from the Department of Insurance, in 1993.

**Section 8** amends s. 570.544, F.S., to delete the required reporting requirements regarding complaint, received by DACS, which are forwarded to another agency. Current law requires an agency to report back to DACS on the status of the complaint.

**Section 9** amends s. 616.242, F.S., to create an insurance exemption for fair rides operated by governmental entities and covered under the limited liability statutes. The insurance requirements imposed under this section would not apply to governmental entities that are covered by provisions of s. 768.28(16), F.S.

**Section 10** provides an effective date of July 1, 2006.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

## **VIII. Summary of Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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